

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:11cv96

LEONA A. WEST,)
)
 Plaintiff,)
)
vs.) O R D E R
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
 Defendant.)
)

THIS MATTER is before the Court on the Plaintiff's Application for Attorney Fees under the Equal Access to Justice Act. [Doc. 16]. The Defendant does not oppose the Plaintiff's fee request. [See Settlement Agreement, Doc. 16-3].

The Plaintiff seeks an award to her counsel in the amount of \$4,722.60 in full satisfaction of any and all claims by the Plaintiff in this case pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). [Doc. 16].

The Court finds that the Commissioner should accept an assignment of the awarded fees by the Plaintiff to her attorney and upon receipt of such assignment, the Commissioner will pay that award of fees directly to Plaintiff's counsel, provided that it is shown that as of the date of this Order, the Plaintiff

does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, ___ U.S. ___, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010).

IT IS, THEREFORE, ORDERED that the Plaintiff's Application for Attorney Fees under the Equal Access to Justice Act [Doc. 16] is hereby **GRANTED**, and the Plaintiff is hereby awarded attorney's fees in the amount of Four Thousand Seven Hundred Twenty-Two Dollars and Sixty Cents (\$4,722.60), which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d).

IT IS FURTHER ORDERED that the Commissioner shall inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order. Within the same time period, the Plaintiff shall provide any valid fee assignment to the Defendant.

IT IS FURTHER ORDERED that no additional Petition pursuant to 28 U.S.C. §2412(d) may be filed. Signed: April 3, 2012

IT IS SO ORDERED


Martin Reidinger
United States District Judge